THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No.9424 of 2001

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Dated: August 12, 2005

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Between:

M. Eswaramma, W/o. G. Eswaraiah,

Aged about 28 years,

R/o. Sullurpet, Nellore District.

… Petitioner

And

Dealer Selection Board, Vijayawada-II

HPCL Tadepalli Installation,

(on GNT Road towards Guntur Via Krishna Barrage)

Guntur District, rep. by its Non-member Secretary,

and others.

… Respondents

Order:

This writ petition is filed seeking Mandamus declaring the action of respondent Nos.1 and 2, in seeking to award the retail outlet dealership of Indian Oil Corporation at Akkampet, Nellore District, in favour of third respondent, as illegal, arbitrary and contrary to the notification issued by the respondents through advertisement dated 16/23-7-2000, and for a consequential direction to respondent Nos.1 and 2 to appoint the petitioner as Retail Outlet dealer of Indian Oil Corporation at Akkampet, Nellore District.

2. Petitioner, who claims to be belonging to Scheduled Caste community states that pursuant to the advertisement issued by the respondent-Corporation on 23-07-2000 calling for applications for the dealership of Indian Oil Corporation's Retail Outlet at Akkampet, Nellore District, she made an application in September, 2000 and she was called for an interview on 16-04-2001. The petitioner states that she attended the interview, and at the time of interview, she submitted all her certificates, and satisfied the requirements, as prescribed in the notification. The petitioner states that as per one of the conditions of the eligibility criteria, a candidate's gross income in a financial year should not exceed Rs.2,00,000/-. It is the case of the petitioner that though the gross income of respondent No.3 exceeded Rs.2,00,000/- and did not satisfy the eligibility criteria, yet respondent Nos. 1 and 2, had selected respondent No.3 and had shown her in the second position. The petitioner states that though she brought the same to the notice of respondent Nos. 1 and 2, and also to the Ministry of Petroleum and Natural Gas, New Delhi, no action was taken thereon. Hence, she filed the present writ petition.

3. Heard the learned counsel for the petitioner, the learned Standing Counsel for respondent Nos. 1 and 2-Indian Oil Corporation and the learned counsel for respondent No.3.

4. Respondent No.3 filed counter affidavit. The learned counsel for respondent No.3 reiterating the counter averments submitted that at the time when respondent No.3 applied for the dealership under
S.C. category she was not holding any post in the Government, and though she was selected by the duly constituted Selection Committee, and two others were placed below her, now that she has become a Minister of State in the Government of India, she does not want to pursue the matter, and she has also addressed a letter dated 19-07-2005 to the authorities of the Corporation to cancel her selection.

5. Since respondent No.3 is no longer interested in the matter of allotment of the retail outlet, and now that she had herself requested the authorities of respondent Nos. 1 and 2 to cancel her selection, nothing remains for adjudication in the writ petition.

6. Hence, the writ petition is dismissed. Now that the petitioner and one other person are in the selected list for allotment of the reatail outlet, it is for the authorities of respondent Nos. 1 and 2 to allot the retail outlet to the next eligible person, in accordance with law and by following the procedure prescribed therefor. No costs.

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N.V. RAMANA, J

August 12, 2005

MRR